

**IN THE DRAWINGS**

A Submission of Proposed Drawing Amendments for Figs. 1-6 is submitted herewith.

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Figs. 1-6 have been amended to include labels as related art to overcome the applied objections.

The specification has been amended to include section headings to overcome the objection at page 5, line 4, *et seq.* of the office action. No new matter is believed to be introduced by the amendments of the specification.

Claims 2, 5, and 17 have been canceled, and claims 1, 3, 4, 6-11, and 13-16 have been amended. The amendments have been drafted to overcome the objections at page 6 of the office action and the 35 USC 112, second paragraph, rejections at pages 6-8 of the office action. Support for the amendments is provided, for example, in Fig. 7, the abstract, and paragraphs [0047]-[0049] and [0057] of the published specification.

The provisional double patenting rejections applied to claims 1-17 will be addressed when the provisional status of the rejections is removed.

Claims 1-17 were rejected, under 35 USC §103(a), as being unpatentable over Vayanos et al. (US 6,901,063) in view of Das et al. (US 7,292,854). To the extent these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the points set forth below. Any references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.

Claim 1 now recites features of canceled claim 5 and defines a method of scheduling HARQ processes that configures a reserved HARQ process and a plurality of unrestricted HARQ processes such that the reserved HARQ process supports a lower modulation coding scheme level than the unrestricted HARQ processes. The Office Action proposes that Vayanos discloses this subject matter in Fig. 4A and column 4, lines 36-68 (see Office Action page 13, third paragraph).

However, Vayanos' Fig. 4A and column 4, lines 36-68, do not disclose anything relating to a modulation coding scheme. Vayanos' disclosure in column 4, lines 36-68, contains three paragraphs. The first paragraph identifies several standards for CDMA and a preferred standard, W-CDMA, for describing Vayanos' invention (see Vayanos col. 4, lines 36-47). The second paragraph identifies services supported by CDMA and communication channels associated with W-CDMA (see col. 4, lines 48-55). The third paragraph describes how W-CDMA high-speed downlink packet access (HSDPA) data is multiplexed into a high-speed downlink shared channel (HS-DSCH) and the HS-DSCH is mapped to a high-speed physical downlink shared channel (HS-PDSCH) that is shared by multiple user equipments (see col. 4, lines 56-67). Vayanos' Fig. 4A does not disclose a modulation coding scheme.

Thus, the cited portions of Vayanos do not disclose a modulation coding scheme and, more specifically, do not disclose the claimed subject matter of configuring a reserved HARQ process and a plurality of unrestricted HARQ processes such that the reserved HARQ process supports a lower modulation coding scheme level than the unrestricted HARQ processes. And Das is not cited in the Office Action for supplementing the teachings of Vayanos in this regard.

Accordingly, the Applicants submit that Vayanos and Das, considered individually or in combination, do not render obvious the subject matter now defined by claim 1. Therefore, allowance of claim 1 and all claims dependent therefrom is warranted.

With regard to claim 7, the Office Action proposes that Das discloses the claimed subject matter of a HARQ process that supports chase combining or incremental redundancy according to an available memory size in a soft buffer (see Office Action page 13, second to last paragraph). However, Das' disclosure does not contain the words chase, combining, and incremental, and the portion of Das' disclosure cited for teaching this subject matter has no relation to the claimed subject matter. Vayanos is not cited for supplementing the teachings of Das in this regard.

With regard to claim 12, the Office Action proposes that Das discloses, somewhere in column 9, the claimed subject matter whereby the number of configured HARQ processes varies dynamically in accordance with a system parameter (see Office Action page 14, fourth paragraph). However, the Office Action provides no indication of what parameter disclosed by Das may have this effect or where within column 9 that such a disclosure exists, and the content of Das' column 9 does not seem to support the Office Action's proposal. Vayanos is not cited for supplementing the teachings of Das in this regard.

Claim 13 recites that the parameter defined in claim 12 is one of round trip time, processing time, traffic burstiness, quality of service, modulation coding scheme, timing of shared channels, and minimum transmission time interval. Since Das does not disclose varying the number of HARQ processes dynamically in accordance with a system parameter, as recited in

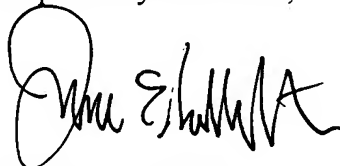
claim 12, it necessarily follows that Das cannot disclose the specific type of parameter recited in claim 13, and Vayanos is not cited for supplementing the teachings of Das in this regard.

Therefore, allowance of claims 7, 12, and 13 is warranted for these independent reasons.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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